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A Professional Corporation

Fax Transmission | March 3, 2005

TO: Commissioner for Patents
Patent Examining Corps
Facsimile Center
Alexandria, VA 22313-1450

FROM: Anne M. Murphy

OUR REF: 7885.55USWO
TELEPHONE: 612.371-5267

USPTO Centralized Facsimile No.: 1-703-746-4000 Total pages, including cover letter: 14.

If you do NOT receive all of the pages, please telephone us at 612.336.4771, or fax us at 612.332.9081.

Title of Documents Transmitted:
1. Amendment under 37 C.F.R. § 1.312.
2. Appendix to Amendment
   - ☐ ATCC receipt
   - ☐ ATCC deposit form
   - ☐ (2) Statements of Hanne Hoifodt.
3. Part B - Fees Transmittal.

Applicant:	**Fodstad et al.**	Our Ref. No.:	**7885.55USWO**
Serial No.:	**09/125,751**	Confirmation No.:	**8143**
Filed:	**October 30, 1998**	Customer No.:	**23552**
Group Art Unit:	**1642**		

The Commissioner is hereby authorized to charge any additional fees as set forth in §§ 38 CFR 1.16 to 1.18 which may be required for entry of the papers attached to this transmittal or to credit any overpayment to Deposit Account No. 13-2725.

By: Anne M. Murphy
Name: Anne M. Murphy
Reg. No.: 54,327
AMM:pll

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Patricia L. Larmore
Signature

March 3, 2005
Date

AMERICAN TYPE CULTURE COLLECTION
10801 University Blvd.
Manassas, VA 20110-2209
Telephone: 703-365-2700
Fax: 703-365-2745

FACSIMILE

Date: March 1, 2005

To: Hanne K. Holfodt/Anne M. Murphy
Fax Number: 47 22522421/612-332-9081

From: ATCC Patent Depository **Number of pages:** 1 **(Including this page)**

REFERENCE: Patent Deposit

Description: Mouse Hybridoma Cell Line: BM2 assigned PTA-6582.

Date of Deposit: February 14, 2005

The ATCC Certificate of Deposit will be forwarded to you within 30 days. The VISA account of Katrine Wyller will be invoiced as follows:

Total Fees for PTA-6582 (Storage/Informing/viability testing)	**$ 2,500.00**

Marie Harris
Marie Harris, Patent Specialist
ATCC Patent Depository

ATCC®

BUDAPEST TREATY DEPOSIT FORM (BP/1)

American Type Culture Collection
P.O. Box 1549
Manassas, VA 20108

TO DEPOSIT OR TO CONVERT A DEPOSIT TO MEET THE REQUIREMENTS OF THE BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF A PATENT PROCEDURE

ALL QUESTIONS MUST BE COMPLETED IN ENGLISH. PLEASE USE ONE FORM FOR EACH STRAIN DEPOSITED.

1. Name of deposit. Please mark the appropriate box and provide the information requested for the material:

   - ☐ **Microorganism** – the complete scientific name including genus and species plus the source of the material
   - ☐ **Virus** – the name, whether plant or animal, and source including geographic location
   - ☒ **Cell line** – the species and tissue of origin, geographical source of isolation, and any known associated hazards (HIV, EBV, etc.)
   - ☐ **Genetic material** – the name of organism from which vector, clone or library is derived, the source of the DNA insert identified by species (e.g., human, mouse) or scientific name, the name of gene, and the identity of the host organism
   - ☐ **Consortia or mixed culture** – the identity of each component of the mixture
   - ☐ **Seeds, embryos, insect eggs, etc.** – the common name, the scientific name of the source of the deposit, and geographical source

   BM2 Hybridoma cell line of mouse origin.
   Source of isolation: Ruprecht-Karls-Univ., Heidelberg, Germany

2. Strain designation* (i.e., number, symbols, etc). BM2 Hybridoma cells
   *The strain designation must correspond with the vial labels.

3. Is this an original deposit under the Budapest Treaty? ☒ Yes ☐ No

4. Is this a request for a conversion of a deposit already at the ATCC to meet the requirements of the Budapest Treaty?
   ☐ Yes ☒ No
   If yes, please indicate ATCC designation. _____

5. Is this deposit a mixture of microorganisms or cells? ☐ Yes ☒ No
   If yes, please describe: _____

6. Provide details necessary to cultivate, test for viability and store the deposit. If a mixture, provide description of components and a method to check for presence. If a plasmid, provide name of host and antibiotic resistance.
   Suspension cell culture
   DMEM media + 10% FCS + Glutamine (200 mM)

7. Provide sufficient description so that ATCC may confirm deposit properties (e.g., Gram negative rod).

   a. If deposit is a cell culture, is it being cultured in the presence of antibiotics? ☐ Yes ☒ No
      If yes, please list the antibiotics: _____

   b. If deposit is a hybridoma, what is the isotype of the antibody produced? IgG3

8. Safety: Is this strain hazardous to humans? No Animals? No Plants? No

   If yes, what is the recommended biosafety level for working with this strain? _____
   (Refer to *Biosafety in Microbiological and Biomedical Laboratories*, 4th ed. HHS Publication No. (CDC) 93-8395. U.S. Department of Health and Human Services, Centers for Disease Control, Washington, DC: U.S. Government Printing Office; 1999. The entire text is available online at www.cdc.gov/od/ohs/biosfty/bmbl4/b-mbl4toc.htm.)

9. Regulatory Compliance:

a. Was the material derived from a human? ☐ Yes ☒ No
If yes, was an IRB-approved consent form (human subjects) obtained? ☐ Yes ☐ No

b. Was this material obtained from wildlife? ☐ Yes ☒ No
If yes, please indicate genus and species and whether wild or captive bred. ____

c. Is work performed at your facility with exotic viruses affecting livestock and avian species? ☐ Yes ☒ No

d. Identify any reagents of animal origin used to cultivate this organism/cell line (serum, growth factors, trypsin, etc.) and manufacturer, if known: FCS(serum) - PAA Laboratories GmbH, Austria

10. Availability:

Prior to issuance of a U.S. Patent, ATCC will only make a culture available as instructed by the depositor or relevant patent office. Samples must be provided to a specific investigator if a pertinent Patent Office under the Budapest Treaty instructs ATCC to do so. The following questions must be answered:

a. As of date of deposit or conversion to meet the requirements of the Budapest Treaty, do you wish the deposit to be made available to anyone who requests a culture? If yes, there are no restrictions on distribution. Answering no will ensure the deposit is not available until the patent has issued. ☐ Yes ☒ No

b. As of the date of deposit or conversion to meet the requirements of the Budapest Treaty, do you wish the deposit to be made available to requesters that satisfy Patent Offices in countries not signatory to the Budapest Treaty? ☐ Yes ☒ No
If "yes," please state which countries: ____

Please note that if you are converting your deposit to meet the requirements of the Budapest Treaty, and your deposit has already been released for distribution due to the issuance of a U.S. Patent, you cannot restrict it from further distribution. After a U.S. Patent issues and we are so notified, ATCC makes the culture available to anyone who requests it, as allowed under U.S. Patent and Trademark Office (USPTO) Rules and Regulations (37 CFR 1.808 [a][2]).

11. Notification: ATCC will notify you of your ATCC number after viability of the deposit has been confirmed.

Name of individual to notify: Hanne K. Hoifodt
Fax: +4722522421 Phone: +47 22934979 E-mail: hhoifodt@labmed.uio.no

12. Payment by check or credit card (MasterCard, VISA or American Express) must accompany the deposit unless prior arrangements for billing have been made and approved. ATCC accepts purchase orders for the exact amount.

Purchase Order No. 822969 Check No. ____

Credit Card number: [redacted] ☐ MasterCard ☒ VISA ☐ American Express

Exp. Date: [redacted] Name shown on card: KATRINE WYLLER (Please print clearly or type)

Signature of card holder: K Wyller

PAYMENT: ATCC MUST HAVE A BILLING ADDRESS, CONTACT PERSON, PHONE AND FAX FOR ALL DEPOSITS:

Contact Name: Katrine Wyller
Billing Address: The Norwegian Radium Hospital Res. Fnd.
Montebello, 0310 OSLO, NORWAY
Phone: ( ) +47 22934385 Fax: ( ) +47 22500942

Do you have a current ATCC account number? ☒ Yes ☐ No
If Yes: ATCC Account Number = 017649-00
If No: To apply for an account with ATCC, please complete a New Account Application located on our Web site (www.atcc.org) and return it with supporting documentation to ATCC for approval.

13. Name, address, phone and fax number of your Attorney of Record.

Onsager AS, represented by Merchant & Gold,
3200 IDS Center, 80 South Eight Street, Minneapolis, Minnesota
Tel. 612 332 5300
Fax. 612 332 9081
j.gresens@merchantgould.com

Ref: Docket or Case No.

14. MUST BE COMPLETED. Deposited on behalf of: (Verify with your management who owns the deposit. The owner is usually a company or institution, and not an individual.)

The Norwegian Radium Hospital, Oslo, Norway.

I understand and agree that the deposit may not be withdrawn by me for the period specified in Rule 9.1 of the Budapest Treaty (at least 30 years after the date of deposit or 5 years after the date of the most recent request for the deposit, whichever is longer), and that if a culture should die or be destroyed during the life of the patent, or the period of time so specified, it is my responsibility to replace it with a living culture of the same organism or cell. In the cases of viruses, cell cultures, plasmids, embryos, and seeds, it is my responsibility to supply a sufficient quantity for distribution for the period of time specified above.

ØYSTEIN FODSTAD — Printed Name

Signature — Date 8/2-05

Address: The Norwegian Radium Hospital, Oslo, Norway (N-0310)

Phone: (257) 460-6995 Fax: (47) 22522421 E-mail: fodstad@labmed.uio.no

SHIPPING INFORMATION

BEFORE SHIPPING, PLEASE CONTACT THE ATCC PATENT DEPOSITORY FOR SHIPMENT ADVICE:

Fax: (703) 365-2745
E-mail: PatentDeposit@atcc.org

SHIPPING NOTICE:

The depositor is ultimately responsible for the shipment of deposits to ATCC and compliance with all applicable government regulations for the packaging and movement of the material. The depositor shall indemnify ATCC, to the extent permitted by law, against claims resulting from the violation of applicable government regulations caused by the depositor's shipment of deposits to ATCC.

STORAGE & FEES

Storage: Cultures are stored for 30 years from date of deposit or five years after the last request for a sample, whichever is longer, as required under the rules of patent offices in most countries.

Fees: All fees are subject to change. For current fees and other information, check our Web site at www.atcc.org or request a quotation of fees by e-mail at PatentDeposit@atcc.org or fax: (703) 365-2745.

ATCC USE ONLY: ATCC DESIGNATION_____ REC'D _____ V.T. RESULT_____

ATCC® is a registered trademark of the American Type Culture Collection.

Form No. PTF-001.00, effective 4/8/05

THE NORWEGIAN RADIUM HOSPITAL

The Norwegian Radium Hospital
Institute for Cancer Research
Montebello, NO-0310 Oslo

Visiting address:
Ullernchausséen 70

Telephone: +47 22 93 40 00
E-mail: post@dnr.uio.no
Internet: www.dnr.org
Org. no. 983823584

Monoclonal antibody BM-2:

Origin: mouse
Typ: IgG3

Immunogen: Glycoprotein fraction from T47-D breast cancer cells purified by WGA-Chromatography and Superose-6 Gelfiltration

Specificity: breast mucin (BM) expressed by the muc-1 gene
Epitope: amino acids 1-4 (PDTR) of the 20 aa repeat unit

Expression: Breast, ovary, lung, kidney, pankreas, endometrium and carcinomas of these organs

Affinity: Ka= 6.6×10^{10} M^{-1}
Binding sites: >400 000 per cell

Production: Hollow fiber BR3570: 7 grammes
Purification: Protein A
Conjugation: Peroxidase, Biotin, Europium, 125/131 Iodine, 99m Technetium

BM-Analysis with(2E11) BM2:

Cytology: Formalin + Methanol
Histology: Formalin-fixed paraffin-embedded sections
Western Immunoblotting: 5% PAGE under reducing conditions
Sandwich EIA for quantification of serum antigen: 7F11 as coating antibody, 2E11 as tracer conjugated with either peroxidase, Europium or Iodine
Radioimmunoscintigraphy: 2E11 conjugated with 99mTc
Purification of tumor cell: 2E11 conjugated with magnetic beads

Future applications: humanization for therapeutic applications
conjugation with drugs, lymphokines, toxins and other MAbs

NYCOMED PHARMA

Production of BM-2:

History:

BM-2 hybridoma cells were transferred from Ruprecht-Karls-Universitat, Heidelberg to MonoCarb AB (contracted by Nycomed). Transfer date: July 8.1993.

The hybridoma cells were tested for mycoplasma, and a safety bank (11 vials) was established (July 26,1993) and stored frozen. The entire safety bank was then transferred to Nycomed Pharma/Stor (April 14.1994). Dr. Berit Johne has been responsible for storage,testing and production.

One vial from the safety bank thawed, and the cells were grown in a serum-free, protein-free medium for 9 passages. From this culture, a Master Cell Bank (MCB) was established, and consisted of 56 vials. Mycoplasma-and sterility testing have been performed several times, using different vials, with acceptable results.

Production:

One vial from the MCB was thawed, and the cells were grown as above to a suitable number and used for ascites production in BalbC mice at SIFF (The Norwegian NIH). SIFF confirm that mice and facilities have been virus validated. Ascites fluid was collected, centrifuged at high g and filtrated.

Purification:

Antibody was purified from filtrated ascites by chromatography on Protein A Sepharose. Antibody was eluted at pH 4, passed through a gelfiltration colounn equilibrated with PBS and sterile filtered.

Oslo, September 7., 1995

Nycomed Pharma AS

Aslak Godal
Dia. & Explor. Therapy R&D

NYCOMED PHARMA AS
Research & Development

Department address:
Gaustadalléen 21
N-0371 Oslo, Norway

Telephone:
47 22 95 67 00

Telefax:
47 22 95 53 90

Enterprise number:
NO 955 685 499 MVA

A company in the
HAFSLUND NYCOMED CORPORATION

S/N 09/125,751 **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	FODSTAD ET AL.	Examiner:	S. UNGAR
Serial No.:	09/125,751	Group Art Unit:	1642
Filed:	OCTOBER 30, 1998	Docket No.:	7885.55USWO
Title:	METHOD OF KILLING TARGET CELLS IN HARVESTED CELL POPULATIONS WITH ONE OR MORE IMMUNOTOXINS		

STATEMENT

Dear Sir:

I, Hanne Hoifodt, state that the biological material deposited with the American Type Culture Collection [ATCC®] on November 5, 2003 is BM7 hybridoma cell line of mouse origin expressing monoclonal antibody BM7 specifically identified in U.S. App. No. 09/125, 751, which claims priority to PCT/NO97/00074, filed 12 March 1997, and NO 961031, filed 13 March 1996. This deposit is identified by ATCC® Patent Deposit Designation PTA-5632.

Respectfully submitted,

Date: 1. March 2005

Hanne K. Hoifodt

Hanne Hoifodt
Norwegian Radium Hospital Research Foundation
P.O. Box 56, Montebello
N-0310 Oslo
Norway

S/N 09/125,751 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	FODSTAD ET AL.	Examiner:	S. UNGAR
Serial No.:	09/125,751	Group Art Unit:	1642
Filed:	OCTOBER 30, 1998	Docket No.:	7885.55USWO
Title:	METHOD OF KILLING TARGET CELLS IN HARVESTED CELL POPULATIONS WITH ONE OR MORE IMMUNOTOXINS		

STATEMENT

Dear Sir:

I, Hanne Hoifodt, state that the biological material deposited with the American Type Culture Collection [ATCC®] on February 14, 2005 is BM2 hybridoma cell line of mouse origin expressing monoclonal antibody BM2 specifically identified in U.S. App. No. 09/125, 751, which claims priority to PCT/NO97/00074, filed 12 March 1997, and NO 961031, filed 13 March 1996.

Respectfully submitted,

Date: 1 March 2005

Hanne K. Hoifodt

Hanne Hoifodt
Norwegian Radium Hospital Research Foundation
P.O. Box 56, Montebello
N-0310 Oslo
Norway